

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Min-Woo CHOI	Docket: 1365-4 PCT US
Serial No.:	10/575,593	Group Art Unit: 4155
Filed:	April 11, 2006	Examiner: Erin W. SMITH
For:	VACUUM FIXER	Dated: December 30, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING
OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. §1.181**

Sir:

Applicant respectfully requests that the above-identified application be revived as a pending application, and hereby petitions that the abandonment set forth in the Notification of Abandonment mailed November 23, 2009 be withdrawn.

The chronology of relevant events is as follows:

On October 28, 2008, an Office Action was mailed by the U.S. Patent and Trademark Office ("USPTO") in connection with the above-identified application.

On January 28, 2009, Applicant timely filed a Response to the Office Action together with a Revocation of Power of Attorney and Change of Correspondence Form.

On February 4, 2009, a DO/EO Worksheet was posted on Private PAIR indicating, among other things, that a Power of Attorney/Change of Address was received.

On February 5, 2009, a Notification of Missing Requirements ("Notification") was apparently mailed by the USPTO and addressed to Dilworth & Barrese, Applicant's former attorneys. Applicant did not receive this Notification. Consequently, a Response was not timely filed within the statutory period for response.

On November 23, 2009, the USPTO issued a Notification of Abandonment. The Notification of Abandonment was also mailed to Dilworth & Barrese rather than The Farrell Law Firm. Dilworth & Barrese forwarded the Notification of Abandonment to The Farrell Law Firm.

The undersigned confirms that the Notification was not received. A search of the file jacket and the docket records indicates that the Notification was not received.

As Applicant's representative, it is my responsibility to ensure that reasonable care is taken so that all matters handled for Applicant, including incoming USPTO communications, are properly docketed in the docketing system maintained by my Firm. The Firm maintains a docketing system purchased from and maintained by Computer Packages Inc. ("CPI"), which is a leading and well-recognized intellectual property docketing system provider. An attorney within my Firm reviews all mail received from the USPTO and enters same into the Firm's docketing system within days of receipt of same.

Enclosed is a copy of the docket record for this particular case. See Exhibit A. As can be seen, the Notification was not entered into this docket record. This last item recorded in this docket record was the Response filed on January 28, 2009. A Petition to Revive is presently docketed to be filed on January 23, 2010.

Also enclosed is a copy of the Master Docket for the period of January 29th - February 12th, 2009, which represents a time period of one week before and one week after the Notification was apparently mailed by the USPTO. See Exhibit B. This Master Docket was printed from The Farrell Law Firm docketing system. The Master Docket is 60 pages and is broken down and printed by items received from the USPTO, i.e., Notice to File Missing Parts, Notice to File Corrected Application Papers, Restriction/Species Requirements, 2 Month Office Actions, 3 Month Office Actions, Final Office Actions, and Notices of Allowance. Each of these communications were mailed by the USPTO during the period of January 29th - February 12th, 2009 (see Base Date on each docket record), and entered in The Farrell Law Firm docketing system. All of these docket records indicate that a PTO communication was received, and the appropriate Response was docketed.

In conclusion, since Applicant did not receive the Notification, it is believed that the Notification of Abandonment was improperly issued and should be withdrawn. It is respectfully requested that the application be revived as a pending application.

This Petition is being filed within two (2) months of the mailing date of the Notification of Abandonment. It is Applicant's belief that no fee is required since the Notification of Abandonment was improperly issued through no fault of Applicant. If a fee is due, please charge said fee to Deposit Account No. 50-4503.

In an effort to expedite prosecution, Applicant submits herewith its Response to the Notification of Missing Requirements.

If the Petitions Attorney has any questions concerning this Petition, please contact the undersigned at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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